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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,280	03/12/2004	Douglas William Farenholtz	PA-191	5181

7590 03/08/2005

Merek, Blackmon and Voorhees, LLC
 673 South Washington Street
 Alexandria, VA 22314

EXAMINER

NGUYEN, KIEN T

ART UNIT PAPER NUMBER

3714

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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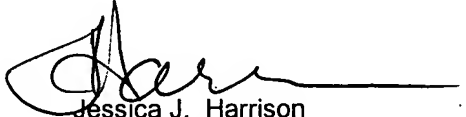
03042005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please find attached a copy of the office action originally mailed on 9/8/2004. After conversations with Mr. David Voorhees, of record, and review of the file, it is clear applicant has not received this office action as it was returned to USPTO marked undeliverable. The address has been verified as correct. Accordingly, the OA is being remailed and the period for response restarted.


Jessica J. Harrison
Primary Examiner
Acting SPE/Art Unit: 3714

Office Action Summary	Application No. 10/798,280	Applicant(s) FARENHOLTZ ET AL.	
	Examiner Kien T. Nguyen	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 and 15-33 is/are rejected.
7) ☒ Claim(s) 13 and 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12, 13, 15-19, 23-27, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Guschlbauer U.S. Patent 5,967,470.

Guschlbauer disclosed a support for a manikin comprising first (14) and second (13) extension members when normally positioned cooperating to form a cradling surface to support a manikin (see Fig. 3); a base member connector (2) for connecting the extension members to a base member (1); the first extension member biased in an inward direction toward the second extension member to return to its normal position and moveable from its normal position in an outward direction away from the second extension member upon application of a pre-determined force on the first extension member; the second extension member being elongated and comprising an outer surface of continuously smooth contour to minimize the possibility that the movement of the manikin will be interfered with through contact with the second extension member when the manikin is move with respect to the cradling surface (see column 6, lines 60-64); because of the elasticity of the members (13, 14) the manikin is supported by the cradling surface it inherently may be moved in an outward direction on movement of the first extension member in the outward direction on application of the pre-determined force (applicant's claims 1, 12, 15-18, 24, 31-33). The extension members are curved

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upwardly and outwardly away from one another to form the cradling surface (applicant's claims 2, 15, 25). The second member (13) as shown in Fig. 6 comprises a pair of opposed sides in parallel alignment with one another (applicant's claim 3). The members are in co-planar alignment and have tubular in cross-section (applicant's claims 4-7). The support also includes a releasable manikin connector comprising a first connector member (16) cooperating with the cradling surface and a corresponding second connector (15) cooperating with the manikin to releasably connect the manikin to the cradling surface, the first and second connector members inherently releasable from one another to separate the manikin from the cradling surface on application of a pre-determined force (applicant's claims 19, 23). Fig. 5 shows a reinforcement member (54) for preventing the movement of the first extension member beyond a pre-determined position in the outward direction (see column 7, lines 38-61) (applicant's claim 27). The first and second connector members could also be characterized as attachment members for attaching the manikin to the first and second extension members (applicant's claims 29, 30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 8-11, 20-22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guschlbauer.

Regarding claims 8-11, it is noted that the first and second connector members of Guschlbauer may not include the specific shapes and dimensions as set forth therein. However, such features directly dictated by the size, shape, and weight of the manikin. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the first and second connector members with any desired shape and dimension to accommodate any particular manikin.

Regarding claims 20-22, the first and second connector members of Guschlbauer utilize belts (15, 16) instead of various types of fastening means as set forth in these claims. However, such differences appear merely mechanical expediences and it would have been a matter of design choice to substitute the belts (15, 16) with any equivalent fastening means.

Regarding claim 28, see the above explanation for claim 27.

Allowable Subject Matter

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

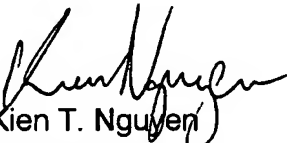
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references show various types of stand similar to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn